

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 NEW YORK LIFE INSURANCE  
12 COMPANY,

13 Plaintiff,

14 vs.

15 MICHAEL BEGASHAW, an individual;  
16 ENDALE TESSEMA, an individual; and  
17 “JOHN DOE”, as Administrator of the Estate  
18 of MARIAMAWIT TESSEMA,

19 Defendants.

20 Case No. 2:22-cv-02081-KJM-JDP

21 **ORDER TO DISBURSE FUNDS**

22 Date: March 25, 2025

23 Time: 10:00 a.m.

24 Crtrm.: 3, 15<sup>th</sup> Floor

25 Judge: Kimberly J. Mueller

1        This Order directs the Clerk of the Court to disburse funds as follows:

2        WHEREAS, on January 5, 2024, the Court appointed Christopher J. Bakes and Scott J.  
 3 Judson to represent the interests of Endale Tessema in connection with a distribution by the  
 4 Company of the proceeds of AARP Level Benefit Term Life Certificate Number A10806413 (the  
 5 “Policy”) which was issued by the Company to Mariamawit Tessema (the “Insured”) and was the  
 6 subject of litigation in this Court, Case number 2:22-cv-02081-KJM-JDP (the “Interpleader  
 7 Action”), to Tessema, who has now been established by extensive due diligence on the part of  
 8 counsel for Tessema and counsel for New York Life Insurance Company (now out of the case upon  
 9 interpleading of the funds) to be the father of the Insured.<sup>1</sup>

10       WHEREAS, it has been proved to the satisfaction of all counsel, following significant and  
 11 appropriate due diligence (including the participation of local counsel in the Federal Democratic  
 12 Republic of Ethiopia), that Endale Tessema is the Insured’s father and has been located and  
 13 conclusively identified as a current resident of Addis Ababa, Federal Democratic Republic of  
 14 Ethiopia;

15       WHEREAS, upon the default of Defendant Michael Begashaw, who is the named  
 16 beneficiary of the Policy, the voluntary dismissal of the estate of the Insured from the Interpleader  
 17 Action, and an all-counsel review of the Ethiopian death certificate of the Insured’s mother, Endale  
 18 Tessema is the correct and lawful recipient of the death benefit of the Policy in the amount of  
 19 \$35,000.00 which became due upon the Insured’s death (the “Death Benefit”), plus applicable  
 20 interest, bringing the total fund to \$36,575.97 (the “Proceeds”);

21       WHEREAS, the Court entered a default judgment against Defendant Michael Begashaw  
 22 (ECF No. 44), conclusively extinguishing any claim or interest Begashaw may ever have had in the  
 23 Proceeds, and there are no other claimants;

24       WHEREAS, Endale Tessema duly appointed a trustee to open a bank account within the  
 25 United States, meeting the condition that the trustee be a lawful resident and/or citizen of the United  
 26

---

27       <sup>1</sup> Endale Tessema’s passport has a single “s” in his name, but all New York Life and AARP  
 28 documents associated with the Insured spell the Insured’s name “Tessema”. As noted, and  
 notwithstanding this difference, Endale Tessema (or Tessema) is the Insured’s father.

1 States able and capable of opening such an account, where the Proceeds will be held in trust for  
2 Tessema, with said account now open at First Citizens Bank and able to receive funds, under the  
3 name THE ENDALE TESEMA IRREVOCABLE TRUST, ENDALE TESSEMA.

4 WHEREAS, Tessema's duly appointed trustee is Abebe Worku ("Worku" or "Trustee"), a  
5 legal resident of the state of Maryland, who has consented to the appointment as trustee for Tessema  
6 to include the opening of the bank account for Tessema's benefit, with a full understanding of all  
7 attendant requirements and responsibilities, all as set forth in the accompanying trust documents,  
8 now fully executed and attached as **Exhibit A**, which trust has been assigned by the Internal  
9 Revenue Service ("IRS") the Employer Identification Number 33-6923718, under the name  
10 "ENDALE TESEMA IRV TR / ABEBE WORKU TTEE," the IRS having done so by letter and  
11 notice dated March 26, 2025;

12 NOW, THEREFORE, the Court orders as follows:

- 13 i. The funds currently held by the Court in the amount of \$36,575.97 shall be disbursed  
14 to the account of Abebe Worku, as Trustee, for the benefit of Endale Tessema, based  
15 on the attached Certification of Trust; and
- 16 ii. Such funds shall be disbursed to the Trust account maintained at First Citizens Bank,  
17 Branch No. 216, 100 Pringle Avenue, Suite 100, Walnut Creek, California 94056,  
18 account number 001065293216, routing number 122037760.

19 In making this Order, the Court has relied on the following:

- 20 i. A true and correct image from the Ethiopian passport of Endale Tessema issued  
21 on August 2, 2021, and a true and correct copy of the Power of Attorney  
22 reflecting Tessema's appointment of Worku dated October 10, 2023, attached  
23 hereto as a set under the designation **Exhibit B**;
- 24 ii. The two legal trust documents prepared by counsel for Tessema appointing Worku  
25 as the designee to whom the Court shall disburse the Proceeds in trust for  
26 Tessema, previously mentioned and attached as **Exhibit A**; and
- 27 iii. The diligence of counsel of record for Endale Tessema.

28 / / /

1 It is so ordered.  
2  
3 DATED: April 4, 2025.

4  
5   
6 SENIOR UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28